

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TECHNOLOGY PROPERTIES LIMITED LLC  
and MCM PORTFOLIO LLC,

No. C 14-3640 CW

Plaintiffs,

ORDER APPOINTING  
TECHNICAL ADVISOR  
KWAN CHAN

v.

CANON, INC. et al.,

Defendants.

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TECHNOLOGY PROPERTIES LIMITED  
LLC,

No. C 14-3641 CW

Plaintiff,

v.

FALCON COMPUTER SYSTEMS, INC.,

Defendant.

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TECHNOLOGY PROPERTIES LIMITED LLC  
and MCM PORTFOLIO LLC,

No. C 14-3643 CW

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

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United States District Court  
For the Northern District of California

1 TECHNOLOGY PROPERTIES LIMITED  
2 LLC,

No. C 14-3645 CW

2 Plaintiff,

3 v.

4 NEWEGG INC. et al.,

5 Defendants.

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7 TECHNOLOGY PROPERTIES LIMITED  
8 LLC,

No. C 14-3646 CW

9 Plaintiff,

10 v.

11 SEIKO EPSON CORPORATION, et al.,

12 Defendants.

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14 TECHNOLOGY PROPERTIES LIMITED LLC  
and MCM PORTFOLIO LLC,

No. C 14-3647 CW

15 Plaintiffs,

16 v.

17 SHUTTLE, INC., et al.,

18 Defendants.

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20 TECHNOLOGY PROPERTIES LIMITED LLC  
and MCM PORTFOLIO LLC,

No. C 14-4616 CW

21 Plaintiffs,

22 v.

23 SONY CORPORATION, et al.,

24 Defendants.

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As indicated at the Initial Case Management Conference for these cases, the Court finds that, due to the complexity of these cases and the Patents-in-Suit, it would benefit from the services of a technical advisor. The Court instructed the parties to consider Mr. Kwan Chan for the position and on December 5, 2014, the parties filed a joint notice agreeing to Mr. Chan's appointment. The Court hereby appoints Mr. Chan in that capacity and gives notice of the following proposed terms of the appointment.

INTENDED ORDER OF APPOINTMENT

The Court appointment of Mr. Chan as a "Technical Advisor" will be under the following terms:

- 13        1. Any advice provided to the Court by Mr. Chan will not be
- 14                  based on any extra-record information.
- 15        2. To the extent that the Court may ask Mr. Chan to provide a
- 16                  formal written report on technical advice concerning the
- 17                  case, a copy of the formal written report prepared by Mr.
- 18                  Chan shall be provided to the parties. However, the Court
- 19                  reserves the right to have informal written and verbal
- 20                  communications with Mr. Chan, including written summaries and
- 21                  explanations of his advice to the Court, which are not
- 22                  included in any formal reports.
- 23        3. Mr. Chan may attend all case-related court proceedings.
- 24        4. Mr. Chan may review any pleadings, motions or documents
- 25                  submitted to the Court.
- 26        5. As a Technical Advisor, Mr. Chan will make no written
- 27                  findings of fact and will not supply any evidence to the
- 28                  Court. Thus, Mr. Chan will be outside the purview of "expert

witnesses" under Fed. R. Evid. 706. As such, the provisions in Rule 706 for depositions and questioning of expert witnesses will be inapplicable to Mr. Chan. See Reilly v. United States, 863 F.2d 149, 155-56 (1st Cir. 1988).

- 5       6. Mr. Chan will have no contact with any of the parties or  
6       their counsel except for billing purposes.
- 7       7. Each party shall bear the fees and costs of the Technical  
8       Advisor on a per capita basis, payable in advance. Mr. Chan  
9       shall establish a trust account for his payments. Within ten  
10      days of the date of this order, the parties shall contact Mr.  
11      Chan for the account information and deposit, initially,  
12      \$100,000.00 to cover the anticipated fees and costs. The  
13      parties may divide this initial deposit requirement as they  
14      see fit. Mr. Chan shall issue statements to the parties and  
15      draw from the trust account every fifteen days for his  
16      performance of the appointment. Mr. Chan will bill at the  
17      rate of \$450.00 per hour. Any dispute pertaining to Mr.  
18      Chan's fees will be referred to a Magistrate Judge.
- 19      8. Mr. Chan shall report to the Court on a periodic basis, every  
20      sixty days, regarding the state of his fees and expenses and  
21      make a recommendation to the Court as to whether the trust  
22      account needs additional deposits from the parties as the  
23      case progresses.
- 24      9. Mr. Chan shall file a declaration in the form attached that  
25      he will adhere to the terms of his appointment.

#### CONCLUSION

27       Within fourteen days of the date of this Order, any party may  
28      file an objection to the terms of the appointment of Mr. Chan as

1 the Court's technical advisor. The objection shall state the  
2 grounds of objection and be accompanied by a supporting  
3 declaration and legal memorandum.

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5 IT IS SO ORDERED.

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7 Dated: 04/10/2015

8 CLAUDIA WILKEN  
9 United States District Judge

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5 I, Kwan Chan, declare that I will adhere to the terms of my  
6 appointment as Technical Advisor in cases 14-CV-3640, 14-CV-3641,  
7 14-CV-3643, 14-CV-3645, 14-CV-3646, 14-CV-3647, 14-CV-4616, as set  
8 forth in the Court's Order Appointing Technical Advisor Kwan Chan.  
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11 Date:

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13 Kwan Chan  
14 Technical Advisor  
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